

**UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA**

**Case No. 3:15-cr-90
Related Case No. 3:22-cv-181**

United States of America,

Plaintiff,

vs.

Michael Adefemi Adeyemo,

Defendant.

**REPLY TO RONALD K. HETTICH'S
RESPONSE TO UPDATED
MOTION TO COMPEL**

On May 9, 2025, Ronald K. Hettich filed a response to Michael Adeyemo's updated motion to compel.¹ Upon reading the response, as well as reflecting on Mr. Hettich's other filings, counsel for Mr. Adeyemo believes there may be a path to obviate the need for the subpoenas the Court has ordered in this case.²

Counsel is seeking evidence that either corroborates or fails to corroborate Mr. Hettich's presence in or near Grand Forks, on six dates when he claimed to have met with Mr. Adeyemo, visits that are not documented in jail records. Mr. Hettich submitted an affidavit explaining why there would almost certainly be no financial

¹ Doc. 278.

² Doc. 265.

records showing he made a purchase in Grand Forks, North Dakota during the time he represented Mr. Adeyemo.³ Counsel appreciates Mr. Hettich's willingness to draft this affidavit, and it provides a thorough explanation for Mr. Hettich's belief that the financial records being sought likely do not exist. But because the affidavit does not say with certainty that these financial records do not exist on the specific dates in question, if there is to be an alternative to simple compliance with the Court's Order, counsel believes something specific is needed. Counsel thus proposes that the parties enter a joint stipulation stating the following:

- Ronald K. Hettich swears under oath that none of his personal records, those in his possession and those accessible from the institutions that are the subject of the subpoena, establish his physical presence in Grand Forks, North Dakota on the following dates in 2018: June 6, July 24, August 15, September 11, October, 5, and October 25.

Because this addresses the investigative focus of the subpoena that has been ordered, such a stipulation makes the Court-ordered subpoenas no longer necessary.

Finally, if no agreement is reached, Mr. Adeyemo and his counsel want to make abundantly clear that we encourage the Court to take *any and all* measures it sees fit to keep the personal financial information of Mr. Hettich private and away from any public eye or scrutiny. To that end, to avoid even Mr. Adeyemo's counsel

³ Doc. 274-1 at 1.

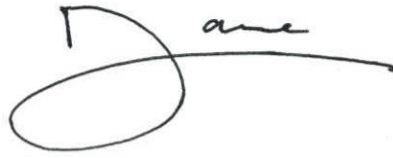
from seeing the records, we propose that the Court—if it wishes to proceed in ordering the subpoenas—view the results *in camera* and under seal. That way, nobody but the Court will ever see any of these private and sensitive records. We also do not object to any protective orders that restrict access to or dissemination of any records that result from the subpoenas.

We have no interest in making a public spectacle of these proceedings, or in making Mr. Hettich's personal finances known or public. The investigation simply and logically pursues evidence related to the Grand Forks County Correctional Center's in-person visitation logs, data that makes a small portion of Mr. Hettich's phone and financial records relevant. The Court should thus take extreme care in how it handles these records if it goes forward with enforcing its existing Order.

For the reasons above, Michael Adeyemo respectfully requests the parties enter the above-outlined joint stipulation to obviate the need for the Court-ordered subpoenas in the case. If the parties agree to the stipulation, then Mr. Adeyemo will withdraw his motion for discovery and move the Court to reverse its order related to the issuance of subpoenas. If not, we ask to address the concerns presented here and in the other pleadings at a hearing. The temperature of this case has risen in the past few days, perhaps unnecessarily so. Undersigned counsel regrets this and his role in increasing it, and he hopes this is the first good-faith step in taking it back down.

Date: May 10, 2025

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dane", with a large, stylized loop at the beginning.

Dane DeKrey (#09524)

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